

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., :
JOHN WILEY & SONS, INC., :
CENGAGE LEARNING INC. AND :
THE MCGRAW-HILL COMPANIES, INC., :
:
Plaintiffs, :
:
-against- : 07 Civ. 9601 (RJH)
: ECF CASE
JOHN DOE D/B/A TOM DANIELS :
D/B/A C_BOOKS D/B/A :
CTRade-BOOKS D/B/A REDAPPLE :
D/B/A LLBOOKS AND :
JOHN DOES NOS. 1-5,
Defendants. :
:
- - - - - x

PLAINTIFFS' EX PARTE APPLICATION FOR AN
ORDER ALLOWING SERVICE BY E-MAIL AND MAIL
AND SERVICE OF SUBPOENAS TO ASCERTAIN THE
IDENTITY AND LOCATION OF DEFENDANTS

Plaintiffs hereby move pursuant to Rules 4(e)(1) and 26(d) of the Federal Rules of Civil Procedure for an order (i) allowing service by e-mail and mail of the summons and complaint on defendant John Doe d/b/a Tom Daniels d/b/a C_Books d/b/a Ctrade-Books d/b/a RedApple d/b/a LLBooks, and (ii) authorizing plaintiffs to serve subpoenas on Google Inc., PayPal, Inc., eBay, Inc., Biblio, Inc., and Valore Exchange LLC to determine the identities and locations of defendants, which are presently unknown to plaintiffs.

The basis for this application is set forth in the accompanying declaration of William Dunnegan, sworn to November 27, 2007.

A proposed order is annexed.

Dated: New York, New York
November 27, 2007

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD9316)
Megan L. Martin (MM4396)
Attorneys for Plaintiffs
Pearson Education, Inc.,
John Wiley & Sons, Inc.,
Cengage Learning Inc., and
The McGraw-Hill Companies, Inc.
350 Fifth Avenue
New York, New York 10118
(212) 332-8300